

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**August 5, 2002**

- C034405      THE PEOPLE v. BERRY      (Not for Publication)**  
The judgment of conviction is affirmed. The matter is remanded to the trial court with directions to strike its finding that the Oregon offenses constitute “strikes” and to recalculate defendant’s sentence accordingly. The court shall also stay the sentence for possession of 28.5 grams of marijuana.  
RAYE, J.  
We concur:    Nicholson, Acting P.J.  
                 Hull, J.
- C037759      THE PEOPLE v. CARMICHAEL      (Not for Publication)**  
The judgment is affirmed.  
MORRISON, J.  
We concur:    Sims, Acting P.J.  
                 Davis, J.
- C038586      BARKER v. VULCAN CHEMICAL TECHNOLOGIES INC., et al.      (Not for Publication)**  
The judgment is affirmed. Barker shall recover costs on appeal. (Cal. Rules of Court, rule 26 (a).)  
RAYE, J.  
We concur:    Scotland, P.J.  
                 Hull, J.

**August 6, 2002**

- C035253      THE PEOPLE v. WILSON.      (Not for Publication)**  
The judgment is affirmed in its entirety.  
BLEASE, Acting P.J.  
We concur:    Hull, J.  
                 Kolkey, J.
- C036102      THE PEOPLE v. STULL      (Not for Publication)**  
The judgment is affirmed.  
ROBIE, J.  
I concur:       Hull, J.  
I concur except as to part VA, in which I concur in the result:  
                 Scotland, P.J.

**COURT OF APPEAL  
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**The Minutes**

**August 6, 2002, continued**

- C037387      THE PEOPLE v. GUZMAN      (Not for Publication)**  
The judgment is modified to award defendant 85 days of conduct credit. As modified, the judgment is affirmed. The superior court is directed to amend the abstract of judgment to reflect 85 days of presentence conduct credit pursuant to section 2933.1, and to forward a certified copy of the amended abstract to the Department of Corrections.  
ROBIE, J.  
We concur:    Scotland, P.J.  
                 Raye, J.
- C038491      THE PEOPLE v. WATERS      (Not for Publication)**  
The judgment is modified to impose a \$1,200 suspended parole revocation fine. (See Pen. Code, § 1202.45.) As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections.  
NICHOLSON, J.  
We concur:    Davis, Acting P.J.  
                 Callahan, J.
- C040309      DAVIS JOINT SCHOOL DISTRICT v. JACOBS**  
BY THE COURT:  
Pursuant to the written stipulation of counsel, the appeal filed on January 28, 2002, by Davis Joint Unified School District and the appeal filed on April 11, 2002, by Tara Jacobs are dismissed. It is further ordered that the remmittitur issue forthwith. (See Cal. Rules of Court, rule 19(b).)  
SCOTLAND, P.J.

**August 7, 2002**

**MISC. ORDER**

- 2002-10      BY THE COURT:**  
Associate Justice Richard M. Sims III is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 75, 76, 77, and 78, during which the absence of the Presiding Justice from the court on August 12, 2002, and August 14, 2002, or until his return. Associate Justice George W. Nicholson is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 75, 76, 77, and 78, during which the absence of the Presiding Justice from the court on August 13, 2002. (See Cal. Const. Art 6, Sec. 3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.  
SCOTLAND, P.J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
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**The Minutes**

**August 7, 2002, continued**

- C036565      THE PEOPLE v. MARTIN      (Not for Publication)**  
The judgment is affirmed.  
                                HULL, J.  
We concur:     Davis, Acting P.J.  
                                Raye, J.
- C038652      THE PEOPLE v. KING      (Not for Publication)**  
The judgment is affirmed.  
                                HULL, J.  
We concur:     Blease, Acting P.J.  
                                Robie, J.
- C037577      THE PEOPLE v. MOORE      (Not for Publication)**  
The judgment is affirmed.  
                                BLEASE, J.  
We concur:     Scotland, P.J.  
                                Nicholson, J.

**August 8, 2002**

- C037577      THE PEOPLE v. MOORE      (Not for Publication)**  
The order of commitment is reversed.  
                                BLEASE, J.  
We concur:     Scotland, P.J.  
                                Nicholson, J.
- C037869      THE PEOPLE v. POHLSCHNEIDER      (Not for Publication)**  
The judgment is affirmed.  
                                NICHOLSON, Acting P.J.  
We concur:     Callahan, J.  
                                Robie, J.
- C039201      THE PEOPLE v. VAUGHN      (Not for Publication)**  
The appeal is dismissed.  
                                SCOTLAND, P.J.  
We concur:     Davis, J.  
                                Robie, J.
- C039910      THE PEOPLE v. HIBBERT, JR.      (Not for Publication)**  
The judgment is affirmed.  
                                NICHOLSON, J.  
We concur:     Scotland, P.J.  
                                Davis, J.

**COURT OF APPEAL  
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**The Minutes**

**August 8, 2002, continued**

**C039986      THE PEOPLE v. McDANIEL      (Not for Publication)**  
The judgment is reversed and the cause is remanded to the trial court to allow defendant an opportunity to move to withdraw her plea. If she does not do so within 30 days, the trial court is directed to reinstate the judgment.  
NICHOLSON, J.  
We concur:    Scotland, P.J.  
                 Davis, J.

**C036313      JEFFERSON v. KNIGHT      (Not for Publication)**  
The order is affirmed.  
SCOTLAND, P.J.  
We concur:    Nicholson, J.  
                 Callahan, J.

**August 9, 2002**

**C035329      THE PEOPLE v. ROBERTSON      (Not for Publication)**  
The judgment is affirmed.  
RAYE, J.  
We concur:    Scotland, P.J.  
                 Nicholson, J.

**C034544      DORER v. LYONS      (Not for Publication)**  
That portion of the trial court's order granting Debra and her heirs her community property interest in James's gross military retirement pay is affirmed... As so modified, the order is affirmed. The requests for attorney fees on appeal are both denied and the parties will pay their own costs of appeal.  
DAVIS, Acting P.J.  
We concur:    Nicholson, J.  
                 Raye, J.

**C036668      LAMBERT v. ESTEBAN et al.**  
BY THE COURT:  
Pursuant to the written stipulation of counsel, the appeal filed on September 27, 2000, is dismissed. It is further ordered that the remittitur issue forthwith. (See Cal. Rules of Court, rule 19(b).

In accordance with the written stipulation of counsel, the parties shall bear their own costs on appeal.  
RAYE, Acting P.J.